

REMARKS

Claims 1-4, 6-16, and 18-36 have been examined. Claims 1, 11, 16, 21, 25, and 31 have been amended. Claim 27 has been cancelled. Reconsideration of the claims, as amended, is respectfully requested.

Initial Comments

Counsel for the Applicant wishes to thank the Examiner for the recent telephone conference where the rejection of the claims in view of Searcy and Judicial Notice were discussed. A summary of those discussions is set forth hereinafter in connection with the specific rejections.

Claim Rejections - 35 U.S.C. 102

Claims 1-4, 6-16 and 18-36 have been rejected under 35 U.S.C. 102(b) as being anticipated by Searcy. This rejection is respectfully traversed in part and overcome in part.

As now amended, independent claim 1 claims a system for facilitating the presentation of inventory items. The system comprises at least three separate stores, with each store having at least one separate outside entrance. The outside entrances lead directly to a parking facility to allow customers who park in the parking facility to enter into each of the separate stores through their own outside entrances directly from the parking facility. The system further includes an elongate wall separating each store. Each wall has a doorway, with the doorways being aligned with each other. Further, an aisle passes through each doorway such that a customer may visualize at least some of the interior of each of the stores while standing in the aisle and looking down the aisle.

In the Office Action, it is recited that the Searcy store has an outside entrance. As recited in the Office Action, "store 64 (and 66) use the same outside entrance (top right entrance), stores (66, 116) use the same outside entrance (top left entrance)." Even assuming, *arguendo*, that Searcy teaches such stores with such entrances, such a configuration is far different from the system claimed in claim 1.

In particular, claim 1 recites that each store has its own separate outside entrance. As recognized in the Office Action, stores 116 and 66 share the same door and stores 64 and 66 use the same door. Hence, each of the stores in Searcy does not have its own separate outside entrance.

Claim 1 further differs from Searcy by reciting the use of a parking facility which allows direct entrance into each store through the separate outside entrances. In contrast, rooms 64 and 66 of Searcy are storage rooms, and therefore the associated doors are not customer entrances. Further, there is no description in Searcy of placing a customer parking facility in front of such doorways to allow customers to first enter into the parking facility and then to enter into the stores through the outside entrances directly from the parking facility. Hence, claim 1 as now amended is clearly distinguishable over Searcy.

In the Office Action, the existence of "most department stores" was apparently also used to reject the claims. However, as discussed in the telephone interview, department stores such as Nordstrom do not have at least one separate outside entrance which leads to a parking facility for each of their departments. Hence, claim 1 is clearly distinguishable over this Judicial Notice rejection.

The Office Action further took Judicial Notice of many malls, such as Potomac Mills, Tyson's Corner, Pentagon City Mall." In support of the Judicial Notice rejection, the Examiner facsimiled to counsel for the Applicant floor plans of Tyson's Corner Center and Potomac Mills Mall. In the telephone interview, the Examiner indicated that in the Tyson's Corner mall, the stores "The Limited" and "The Limited Too" were separate stores which were connected with an internal doorway. Assuming, *arguendo*, that these two stores do include an internal doorway, the floor plan provided by the Examiner clearly shows that these two stores do not have separate outside entrances which lead directly to a parking facility. Instead, the outside entrances lead to an internal aisle which passes through the interior of the mall. Moreover, as now amended, claim 1 recites that the system includes at least three separate stores. Hence,

for these reasons, claim 1 is distinguishable over the various malls recited in the Office Action. It is therefore respectfully requested that the Section 102 rejection of claim 1 be withdrawn. Claims 2-4 and 6-10 depend from claim 1 and are distinguishable for at least the reasons given in connection with claim 1.

Independent claim 11 claims a building for housing groups of inventory items that comprises an outer structure and a plurality of dividers to divide the interior into separate stores. Further, each divider includes a pair of openings. An aisle circuits through the interior and passes through each of the openings so that a customer may walk along the aisle to circuit through each of the stores.

As discussed in the telephone interview, none of the cited art teaches or suggests a pair of doorways in each of the dividers and an aisle which circuits through the doorways and through each of the stores to allow a customer to easily circuit through the stores by walking along the aisle. Hence, claim 11 is distinguishable over the cited art without amendment.

However, in order to further distinguish claim 11 over the cited art, claim 11 has been amended in a manner similar to claim 1 to recite the existence of a plurality of external doorways, with each store having its own external doorway. Further, each external doorway leads directly to a parking facility to allow customers who park in the parking facility to enter into each of the separate stores through their own external doorways directly from the parking facility. Hence, claim 11 is distinguishable over the cited art for this additional reason. Claims 12-15 depend from claim 11.

Independent claim 16 claims a system for visually displaying unique groups of inventory items. Claim 16 has been amended to include a parking facility which is in front of the front outer wall of the structure. A sidewalk is disposed along the front outer wall between the front outer wall and the parking facility. Elongate dividers are provided within the interior to divide the interior into at least three separate stores. Further, each store has at least one outside entrance which leads directly to the parking facility after passing over the sidewalk.

This allows customers to park in the parking facility and enter directly into each of the separate stores directly from the parking lot. Further, the customers may walk along the sidewalk to reach each of the outside entrances.

As previously described in connection with claim 1, none of the cited art teaches or suggests such outer doors which lead directly to a parking facility. Further, none of the cited art teaches a sidewalk between the outdoors and the parking facility. Hence, claim 16 is distinguishable over the cited art. Claims 18-20 depend from claim 16.

Claim 21 claims a method for presenting inventory items and has been amended to recite that at least three stores are separated from each other by walls which each have a doorway. Further, each store has its own outside entrance to allow customers who enter into a parking facility to then enter into any one of the stores through their own outside entrance. Hence, claim 21 is distinguishable over the cited art for at least the reasons previously recited in connection with claim 1. Claims 22-24 depend from claim 21.

Claim 25 claims a method for presenting inventory items by providing at least three stores which are separated from each other by elongate walls. Further, each wall has a pair of doorways. Further, each store has its own outside entrance. In this manner, the customer may walk through the outside entrances directly from a parking facility and to the aisle. Further, the customer may walk along the aisle to circuit through every doorway and every store until they desire to stop within a particular store.

As previously described, none of the cited art teaches an aisle which circuits through pairs of doorways in the walls to allow customers to circuit through the building. Hence, claim 25 as now amended is distinguishable. Claims 26 and 28-30 depend from claim 25.

Claim 31 claims a method for enhancing display space within a building and has been amended to recite that the dividers forming the stores each include two openings and a generally circular aisle circuiting through the openings. In

Barney D. Visser
Serial No.: 08/851,040
Page 12

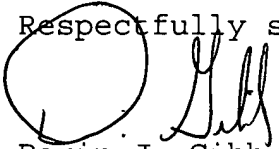
PATENT

this way, a customer may walk through each of the stores along the aisle by passing through each doorway in a generally circular motion. Nowhere in the cited art is such a method described. Hence, claim 31 as amended is distinguishable. Claims 32-36 depend from claim 31.

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (303) 571-4000.

Respectfully submitted,


Darin J. Gibby
Reg. No. 38,464

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(303) 571-4000
Fax 1 (303) 571-4321
DJG:dcp

F:\DATA\17342\0005.am2